

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

THEODORE DAVIS,)	
)	
PLAINTIFF,)	
)	
v.)	CASE NO. 2:05-cv-632-T
)	
ARMSTRONG RELOCATION, LLN, et al.,)	
)	
DEFENDANTS.)	

ORDER

The court conducted a scheduling conference in this case on 14 October 2005. During this conference, the parties discussed the nature of plaintiff's claims and this court's jurisdiction over this action. Because the plaintiff's complaint makes multiple references to due process violations, but only specifically identifies a federal cause of action in his eighth claim for relief ("Civil Rights Violation"), the court requires further clarification of plaintiff's federal claims.

Therefore, it is hereby ORDERED that plaintiff shall file a brief with the court, to include the following:

(1) Identification of the claims that he intends to prosecute under 42 U.S.C. § 1983 or § 1985.

(2) A factual statement clearly indicating every act or series of acts which he claims were violative of 42 U.S.C. § 1983 or § 1985.

(3) A detailed explanation of his injuries or losses resulting from these federal

violations.

(4) Identification of the claims subject to an award of attorney fees under 42 U.S.C. § 1988, should the plaintiff prevail.

(5) Plaintiff shall address his basis for claiming that the City of Montgomery is liable for the actions of its police officers in this matter, specifically addressing whether any theory of respondeat superior applies to the City under this set of factual circumstances, and if not, the theory under which municipal liability should attach.

(5) Plaintiff shall also address the defense of qualified immunity that has been alleged by Defendants City of Montgomery and Officer Shelley Watts, stating whether or not qualified immunity applies in this case.

(6) Plaintiff shall include in his brief an analysis of this court's jurisdiction over this matter.

This brief shall be filed with the court on or before **4 November 2005**. Defendants City of Montgomery and Officer Shelley Watts shall respond on or before **18 November 2005**. The other defendants are not required to file a response.

DONE this the 17th day of October, 2005.

/s/ Vanzetta Penn McPherson
VANZETTA PENN MCPHERSON
UNITED STATES MAGISTRATE JUDGE